

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEROME TALLEY,) CASE NO. C08-0677-TSZ
)
 Plaintiff,)
)
 v.) ORDER DISMISSING § 1983
) ACTION
 T.C. BAILEY,)
)
 Defendant.)
 _____)

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and

ORDER:

ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint and this action are DISMISSED without prejudice;
- (3) Plaintiff's application to proceed *in forma pauperis* is DENIED as moot; and
- (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 27th day of June, 2008.

s/ Thomas S. Zilly

THOMAS S. ZILLY
United States District Judge